

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-25-FL

SAS INSTITUTE INC.,)
)
Plaintiff,)
)
v.)
)
WORLD PROGRAMMING LIMITED,)
)
Defendant.)
_____)

ORDER

This matter came on for a telephonic status conference on March 8, 2019 at 3:30 p.m. [Dkt. # 875.] Counsel for SAS Institute Inc. (“SAS”) and World Programming Limited (“WPL”) were all present. The parties advised the Court of the status of their discussions regarding a court hosted settlement conference.

In accordance with the agreement of the parties, and for good cause shown, the Court HEREBY ORDERS that:

1. The parties shall participate in a court-hosted settlement conference to be scheduled as soon as reasonably possible at which the parties will discuss a global resolution of all disputes, including the pending litigation in this Court, the High Court of Justice, Business and Property Courts of England and Wales, Queen’s Bench Division, Commercial Court, the U.S. District Court for the Central District of California, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. District Court for the Eastern District of Texas.

2. The court-hosted settlement conference shall be scheduled for two days and shall be presided over by United States Magistrate Judge James E. Gates. As noted in the Court’s Text Notice on March 8, 2019, Magistrate Judge Gates is available to conduct the court-hosted

settlement conference on all dates currently proposed by the parties, including March 18 to March 19, 2019 and April 1 to April 3, 2019.

3. Magistrate Judge Gates will be assisted in this process by an attorney or accountant who will be identified by agreement of the parties and who will serve as a court-appointed expert, covered by the Amended Stipulated Protective Order, for the purpose of assisting Magistrate Judge Gates in the settlement process. SAS has agreed to pay for all fees and expenses associated with the court-appointed expert.

4. WPL agreed to provide a list of names for the court-appointed expert on March 11, 2019. WPL provided that list to SAS as agreed. The parties shall attempt to reach an agreement regarding the identity of the court-appointed expert as quickly as possible and shall schedule the court-hosted settlement conference at a time when the court-appointed expert is available to participate.

5. WPL's client representative(s) and/or its UK counsel may appear at the court-hosted settlement conference remotely, by video to the extent the technology for such an appearance can be arranged, or by telephone.

6. If successful, the court-hosted settlement conference would resolve the litigation between the parties in the UK as well as all litigation in the US. In the Court's view, based upon the parties' representations, continuing the Consequential Hearing, currently scheduled for March 22, 2019 in the UK, to a later date will facilitate the settlement process. It is important that the Consequential Hearing be continued for a sufficient period of time to allow the parties to schedule and conduct the court-hosted settlement conference prior to the Consequential Hearing.

SO ORDERED, this the 12th day of March, 2019.



LOUISE W. FLANAGAN
United States District Judge